

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1575 OF 2023

Akash Gangadhar Kurhade

... Applicant

Versus

The State of Maharashtra

... Respondent

...

Mr. S. B. Surse, Advocate for the Applicant

Mr. K. S. Patil, APP for the Respondent/State

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14.09.2023

PER COURT :

1. Heard the learned Advocate for the applicant and learned APP for the respondent/State.
2. By this application, the applicant seeks regular bail in connection with Crime No.199/2023 registered with Waluj Police Station, Dist. Aurangabad for the offences punishable under Section 307, 427, 504 r/w Section 34 of the Indian Penal Code [for short 'IPC'].
3. The investigation was set in motion on the basis of information given by one Prabhakar Dimgambar Gawali, wherein, he states that, on 01/07/2023 at about 11:00 pm, he had closed down his hotel. At 2:30 about am, the accused persons arrived at the hotel and forced the informant to open the shutter. They were

asking for preparing the food. When the informant refused to do so, they assaulted the informant so also broken the glass of his car and damaged refrigerator kept in the hotel. On the basis of aforesaid information, the aforesaid crime came to be registered against the two accused persons, including the present applicant.

4. Mr. Surse, learned Advocate appearing for the applicant would submit that the co-accused has been already enlarged on bail by the order of this Court dated 19/08/2023 in Bail Application No.1347/2023. He would submit that similar role has been attributed against the applicant. He would therefore submit that the investigation in the matter is over. The applicant is behind the bars for more than two months. The further detention of the applicant would not be necessary. Hence, he urge to release the applicant on bail.
5. Learned APP strongly opposes the application. He would submit that the axe used in commission of offence has been recovered from the applicant. There is corresponding injury to the informant. Further the damage to the properties is caused. The material collected during the investigation clearly pinpoint guilt against the applicant.
6. Having considered the submissions advanced, the investigation in the matter is over. The co-accused, who is attributed with the similar role in the commission of offence, has been already released on bail by the order of this Court dated 19/08/2023. Although it is alleged that the applicant has assaulted the informant using the axe, the injury certificate shows a simple

injury on the leg of the informant. Considering the documents collected during the course of investigation, it would be difficult to make out the case punishable under Section 307 of IPC. Further, in view of the release of co-accused, the applicant would be entitled for grant of bail by applying principles of parity. In that view of the matter, the case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Akash Gangadhar Kurhade be released on bail in connection with Crime No.199/2023 registered with Waluj Police Station, Dist. Aurangabad for the offences punishable under Section 307, 427, 504 r/w Section 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) on the following conditions:
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) He shall not establish the contact with the informant.
 - c) He shall not repeat the similar offence.
 - d) He shall attend the concerned Police Station once in a week i.e. on every Monday between 10:00 am to 2:00 pm, till filing of charge-sheet.
- (iii) Bail Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE